

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MISSOURI PRIMATE FOUNDATION, )  
et al., )  
Plaintiffs and )  
Counterclaim Defendants, )  
v. )  
PEOPLE FOR THE ETHICAL )  
TREATMENT OF ANIMALS, INC., et al., )  
Defendants and )  
Counterclaim Plaintiffs. )

Case No. 4:16-cv-02163

**COUNTERCLAIM PLAINTIFFS'**  
**MOTION FOR AN ORDER COMPELLING DISCOVERY AGAINST**  
**COUNTERCLAIM DEFENDANT CONNIE BRAUN CASEY**

Pursuant to Rule 37 of the Federal Rules of Civil Procedure, Counterclaim Plaintiffs, People for the Ethical Treatment of Animals, Inc. and Angela Scott a/k/a Angela G. Cagnasso (together, "Plaintiffs") hereby move for an order compelling discovery against Counterclaim Defendant Connie Braun Casey ("Casey"), and in support state the following:

1. On February 23, 2018, Plaintiffs served their "First Requests for Production of Documents" ("Document Requests") pursuant to Federal Rule of Civil Procedure 34 on, among others, Casey. [Exhibit A attached hereto].
2. On February 26, 2018, Casey's counsel filed a motion to withdraw. [ECF No. 44].
3. On March 12, 2018, the Court granted the motion to withdraw and stayed this case until May 1, 2018, in order for Casey and the other defendants to have time to find new counsel. [ECF No. 52, at 1.] The Court also set a new deadline for all parties to respond to outstanding discovery requests "on or before **May 31, 2018.**" [Id. at 2 (emphasis in original)].

4. Also on March 12, 2018, the Court set a deadline for the parties to “make all disclosures required by Rule 26(a)(1), Fed. R. Civ. P., no later than **May 18, 2018.**” [ECF No. 54, at 2 (emphasis in original).]

5. On May 17, 2018, attorneys Daniel T. Batten and Brian D. Klar entered their appearances on behalf of Casey in this matter. [ECF Nos. 62-65.]

6. Casey failed to serve any responses or objections to Plaintiffs’ Document Requests, or produce any documents, on or before the May 31<sup>st</sup> deadline ordered by the Court, and she remains in violation of the Court’s order as of the date of the filing of this motion.

7. Pursuant to Local Rule 26 - 3.01(A), “Disclosure of documents and electronically stored information pursuant to Rule 26(a)(1)(A)(ii) shall be made by providing a copy to all other parties, except as otherwise ordered by the Court.” Casey failed to provide copies of any documents on or before the May 18<sup>th</sup> deadline ordered by the Court, and she remains non-compliant with the Court’s order as of the date of the filing of this motion.

8. Plaintiffs’ counsel has conferred by telephone with Casey’s counsel in good faith, but after Plaintiffs’ counsel’s sincere efforts to resolve their dispute, counsel were unable to reach an accord. Specifically, on the morning of June 6, Plaintiffs’ counsel Jared Goodman and Martina Bernstein spoke on the telephone with Casey’s counsel Daniel Batten. Plaintiffs’ counsel requested that Casey cure her discovery defaults by providing all documents responsive to Plaintiffs’ Document Requests that are in Casey’s possession or control by June 12. Plaintiffs’ counsel also requested that Casey provide documents in accordance with Local Rule 26-3.01(A). Mr. Batten represented that his client would supplement her Rule 26 disclosures by June 12, and he also would produce all responsive documents he could obtain by June 12. These deadlines also passed, without even a word from Casey or an attempt by Casey to cure her continuing

discovery defaults.

**WHEREFORE**, Plaintiffs respectfully request that the Court enter an Order, in the form submitted herewith, granting Plaintiffs' motion as follows:

**ORDERING** that Casey shall produce all documents responsive to Plaintiffs' Document Requests within seven business days of the date of the Order.

**ORDERING** that all objections to Plaintiffs' Document Requests have been waived.

**ORDERING** that Casey shall provide to Plaintiffs copies of all documents in accordance with Local Rule 26 - 3.01(A) within seven business days of the date of the Order.

**GRANTING** Plaintiffs an award of costs and attorneys' fees relating to the motion to compel, and that Plaintiffs have 14 days from the date of the Order granting this motion for sanctions to file an affidavit detailing these attorneys' fees and costs.

Dated: June 13, 2018

Respectfully submitted,

/s/ Martina Bernstein  
MARTINA BERNSTEIN (#230505CA)  
PETA Foundation  
1536 16<sup>th</sup> St. NW  
Washington, DC 20036  
202.483.7382  
Fax No: 202.540.2208  
martinab@petaf.org

JARED S. GOODMAN (#1011876DC)  
(Admitted *pro hac vice*)  
PETA Foundation  
2154 W. Sunset Blvd.  
Los Angeles, CA 90032  
323.210.2266  
Fax No: 213.484.1648  
jaredg@petaf.org

POLSINELLI PC  
JAMES P. MARTIN (#50170)  
KELLY J. MUENSTERMAN (#66968)  
100 S. Fourth Street, Suite 1000

St. Louis, MO 63102  
314.889.8000  
Fax No: 314.231.1776  
[jmartin@polsinelli.com](mailto:jmartin@polsinelli.com)

*Attorneys for Defendants/*

## CERTIFICATE OF SERVICE

I certify that on June 13, 2018, the foregoing Motion for an Order Compelling Discovery Against Counterclaim Defendant Connie Braun Casey and Proposed Order were electronically filed with the Clerk of the Court using the CM/ECF system, by which notification of such filing was electronically sent and served to the following:

Geordie Duckler, geordied@animallawpractice.com  
*Attorney for Plaintiff/Counterclaim Defendant Andrew Sawyer*

Brian Klar, bklar@lawsaintlouis.com  
Daniel T. Batten, dbatten@lawsaintlouis.com  
*Attorneys for Plaintiff/Counterclaim Defendant Connie Braun Casey*

And was served by regular mail on the following:

Missouri Primate Foundation  
c/o Connie Braun Casey  
12338 State Rd. CC  
Festus, MO 63028

Vito Stramaeglia  
ICS  
832 Jones Creek Rd.  
Dickson, TN 37055

/s/ Jared S. Goodman